

## **II. Remarks**

Claims 1, 8, 16, 17, 19, 20, 22, 25, 27, 28, 31, 33, 34, 36, 37, 39, 42-44, 50, 51, 53, 54, 56, 61, 68-71 are currently pending in this application. No claims have been cancelled, withdrawn, or added by the present Amendment. Claim 42 has been amended to further clarify and claim the invention. Applicants respectfully submit that no new matter is presented by this amendment.

## **III. Rejections**

Claims 1, 8, 16, 17, 19, 20, 22, 25, 27, 28, 31, 33, 34, 36, 37, 39, 42-44, 50, 51, 53, 54, 56, 61, and 68-71 (the “Pending Claims”) were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,903,633 to Lorsch (“Lorsch”) in view of U.S. Patent No. 6,381,631 to Van Hoff (“Van Hoff”). Applicant respectfully traverses this rejection.

### **A. *Lorsch***

As previously discussed, Lorsch is directed generally to a method and apparatus for prepaid phone card activation and billing. Its relevant portions disclose a centralized computer that stores “location data from the point of sale terminal to determine whether the person attempting to activate is indeed authorized to do so.” Lorsch, 7:30-32. This “is determined [by] whether the transmission from the point of sale terminal is coming from a client who is identified by the control code on the card.” Lorsch, 7:33-36. “[W]hen retailers contract to use the system, they will be able to provide a list of telephone numbers that support their point of sale terminals.” Lorsch, 7:44-45. During activation, the system “read[s] the telephone number of the point of sale terminal initiating the transaction. If this telephone is not already ‘registered’ in the database as being a valid number belonging to that retailer, the system may then deny the activation.” Lorsch, 7:49-53.

Accordingly, Lorsch relies solely upon the telephone number of the point of sale terminal; it does not make any determinations regarding the communications system over which the request arrived.

B. *Van Hoff*

Van Hoff is generally directed to a process for authenticating a user and/or a network. Either (i) a network must be authenticated before a user can connect; or (ii) a user must be authenticated before the user can connect to the network. Van Hoff, *e.g.*, 8:49-57; 11:4-37. With regards to authenticating networks, Van Hoff teaches maintaining a list of “trusted networks” that are periodically “updated.” Van Hoff, 8:50-57; 9:10-12. With regards to user authentication, a user is authenticated using various types of digital certificates. Van Hoff, 11:15-37.

C. *Independent Claims 1, 31, and 42*

Each of the independent claims 1, 31, and 42 recite, *inter alia*, a method including the steps of a central processor determining “whether the respective requesting merchant terminal has a terminal identifier stored in the database; and whether the identifier of the first communications network over which the request is received is identified in the database as an identifier of a trusted communications network;” and “responsive to a determination that the first communications network over which the request was received is a trusted communications network, capturing the requesting terminal identifier and adding the terminal identifier to the database if not already stored.”

D. *Lorsch In View of Van Hoff Does Not Disclose, Teach, or Suggest Independent Claims 1, 31, and 42*

Lorsch does not disclose, teach or suggest independent claims 1, 31, or 42. Lorsch relies upon the identifying telephone number of the point of sale terminal only. Lorsch keeps no database records, and makes no determinations, regarding the communications networks over which the request is carried. The Office acknowledges this in the Office Action, and looks to Van Hoff to provide the missing elements. Office Action, pp. 3-4.

However, Van Hoff does not cure the deficiencies of Lorsch. Van Hoff fails to teach, specifically, the step of “responsive to a determination that the first communications network over which the request was received is a trusted communications network, capturing the

requesting terminal identifier and adding the terminal identifier to the database if not already stored.”

It appears that the Office implicitly recognized the failure of Van Hoff to disclose, suggest, or teach this element, since the Office failed to specifically address this element in the Office Action. The Office merely stated that “Van Hoff teaches the steps of storing identifiers of trusted communications networks and determining at a central processor whether the identifier of the first communication network over which the request was received is identified in the database as an identifier of a trusted communications network.” Office Action, p. 4. The Office did not recognize the claimed relationship between the trusted communications network and terminal identifier. The Office did not recognize the step of adding the terminal identifier to the database as a trusted identifier based upon the network the terminal communicates over. Neither Lorsch nor Van Hoff disclose, teach, or suggest these claim elements.

Accordingly, Applicants respectfully request that the rejection of independent claims 1, 31, and 42 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lorsch in view of Van Hoff be withdrawn.

4.       *Dependent Claims 8, 16, 17, 19, 20, 22, 25, 27, 28, 33, 34, 36, 37, 39, 43-44, 50, 51, 53, 54, 56, 61, and 68-71*

Claims 8, 16, 17, 19, 20, 22, 25, 27, 28, 61, and 68-71 are dependent on claim 1, which has been shown above to be patentable over the cited references. As these dependent claims incorporate the limitations of the independent claim on which they depend, Applicants respectfully request that the rejection of claims 8, 16, 17, 19, 20, 22, 25, 27, 28, 61, and 68-71 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lorsch in view of Van Hoff be withdrawn.

Claims 33, 34, 36, 37, and 39 are dependent on claim 31, which has been shown above to be patentable over the cited references. As these dependent claims incorporate the limitations of the independent claim on which they depend, Applicants respectfully request that the rejection of claims 33, 34, 36, 37, and 39 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lorsch in view of Van Hoff be withdrawn.

Claims 43-44, 50, 51, 53, 54, and 56 are dependent on claim 42, which has been shown above to be patentable over the cited references. As these dependent claims incorporate the

limitations of the independent claim on which they depend, Applicants respectfully request that the rejection of claims 43-44, 50, 51, 53, 54, and 56 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lorsch in view of Van Hoff be withdrawn.

**IV. Conclusion**

For at least the reasons set forth above, the Applicants respectfully submit that claims 1, 8, 16, 17, 19, 20, 22, 25, 27, 28, 31, 33, 34, 36, 37, 39, 42-44, 50, 51, 53, 54, 56, 61, 68-71 are in condition for allowance. The Applicants request that the present Amendment be entered and the application be found allowable.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative.

Respectfully submitted,

Dated: January 14, 2009

  
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